

Jones, Peachie L.

From: Jones, Peachie L.
Sent: Friday, November 4, 2022 7:11 PM
To: 'Elliot Shields'
Cc: David Roth; Audra Roth
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Exhibit C

That is unfortunate. I thought we were on the same page since we have been emailing about scheduling depositions all this week.

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Elliot Shields <eshields@rothandrothlaw.com>
Sent: Friday, November 4, 2022 6:10 PM
To: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Cc: David Roth <droth@rothandrothlaw.com>; Audra Roth <aroth@rothandrothlaw.com>
Subject: Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Dear Peachie,

I do not consent to this letter. I've repeatedly expressed plaintiff's position that paper discovery issues must be resolved before depositions can be conducted, which is not reflected in the letter. For example, you rejected my offer to review the SWAT documents at your office next week.

The letter does not reflect these concerns.

Elliot

Elliot Shields, Esq. (he/him)
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From: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Date: Friday, November 4, 2022 at 5:23 PM
To: Elliot Shields <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

And another revision, because Officer Nellist just called me back!

He called me while out and about though, so he was only certain that he was available on Nov 30.
If you are looking for a different day, I will need to email him so he can check his work and personal calendars.

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Jones, Peachie L.
Sent: Friday, November 4, 2022 5:06 PM
To: 'Elliot Shields' <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery
Importance: High

Ok. I have attached a revised version of the letter.

We are still waiting on 2 – Springer and Nellist. I am still tracking them down. Springer is the one that worries me. He works elsewhere now, and if I remember correctly, he has more constraints on his time. To be on the safe side, I set the deadline as Jan 15.

Any concerns with sending this to the judge?

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Jones, Peachie L.
Sent: Friday, November 4, 2022 1:20 PM
To: 'Elliot Shields' <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Whoops. I misread his email.

Apparently Rivera is only available on December 19.

Does that still work for you?

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department

p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Jones, Peachie L.
Sent: Friday, November 4, 2022 11:10 AM
To: 'Elliot Shields' <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Of the available dates (Tue Nov 29, Wed Nov 30, Fri Dec 9, Fri Dec 16, Mon Dec 19, Tue Dec 20, Wed Dec 21, and Wed Dec 28), Fabian Rivera is available any day but Dec 19.

Let me know which.

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Jones, Peachie L.
Sent: Thursday, November 3, 2022 12:01 PM
To: 'Elliot Shields' <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Ah, I did consider it. We are declining that offer. We are not interested in your possessing (whether in your mind or in your hard drive) information regarding SWAT operations that are unrelated to this claim.

Elliot, I am unsure what you mean by "pencil in." We have agreed to reschedule the deposition for that day. Please ensure your client is present and ready on Dec 13.

Yep. That was my plan. Officer Nellist is the only internal-witness deposition that is still outstanding. I will track him down. I may need more time to get in touch with Springer and Rivera as they work elsewhere now.

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Elliot Shields <eshields@rothandrothlaw.com>
Sent: Thursday, November 3, 2022 10:32 AM
To: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Subject: Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Peachie,

Let's pencil in December 13. For Kelly, I'd like to resolve any potential paper discovery issues. Did you have a chance to consider my proposal that I look at the unredacted documents next week at your office?

That being said, lets pencil him in for November 29 for now.

Let's figure out the discovery extension by tomorrow also.

Thanks,

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From: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Date: Thursday, November 3, 2022 at 10:00 AM
To: Elliot Shields <eshields@rothandrothlaw.com>
Subject: RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Yes. That day is still available on my calendar. – Plaintiff depo on Dec 13.

Officer Kelly is available Tue Nov 29 or Wed Nov 30. – Which would you prefer?

Thank you,

Peachie L. Jones
Municipal Attorney | City of Rochester Law Department
p: (585) 428-7992 | Peachie.Jones@CityofRochester.gov

From: Elliot Shields <eshields@rothandrothlaw.com>
Sent: Wednesday, November 2, 2022 8:21 PM
To: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Subject: Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Peachie,

Can we schedule Plaintiff's deposition for Tuesday December 13?

Thanks,
Elliot

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From: Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>
Date: Monday, October 31, 2022 at 12:43 PM
To: Elliot Shields <eshields@rothandrothlaw.com>
Subject: Gursslin: Scheduling Depositions + End of Fact Discovery

Elliot,

The fact discovery deadline in *Gursslin* is quickly approaching. I propose that we write to the Court asking for an extension of discovery so we may hold depositions. I would like to show (in the letter) that we have scheduled depositions and have a plan to complete discovery.

Thanks to the flu, I am now behind, so I would like to reschedule Plaintiff's deposition. I propose Mon Dec 5, Mon Dec 12, or Tue Dec 13. – Please let me know which works for you and your client.

You have multiple depositions to take of RPD officers. I have some days available in November if you would like to begin taking them in November. (Other deadlines make it hard for me to prepare to take a deposition on those days, but I can defend them.)

For example, how about the afternoons of Tue Nov 8 or Wed Nov 9 for Officers McClellan and Kent if they are available? You will be here already and I believe we anticipated those being short.

Other days: Tue Nov 29, Wed Nov 30, Fri Dec 9, Fri Dec 16, Mon Dec 19, Tue Dec 20, Wed Dec 21, and Wed Dec 28.

Please let me know about the (1) dates for the depositions, so I can see if/when the officers are available, and (2) proposed letter we send to the Court, which is attached.

Thank you,

Peachie L. Jones
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